

Representative Steve Eliason proposes the following substitute bill:

HOMELESS SERVICES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill modifies provisions related to the oversight and provision of services for individuals experiencing homelessness.

Highlighted Provisions:

This bill:

- defines terms;
- modifies the membership of the Utah Homelessness Council (council) within the Office of Homeless Services (office);
- establishes the Utah Homeless Network Steering Committee within the office and describes the membership and duties of the steering committee;
- establishes a formula for the office's disbursement of funds to municipalities that have been approved by the council to receive funds from the Homeless Shelter Cities Mitigation Restricted Account (account);
- removes provisions allowing the office to provide grants from the account;
- allows a municipality to use account funds to mitigate the impacts of certain shelters;
- modifies provisions related to the process for municipalities to request account funds;



- 26 ▶ requires the council to consider certain factors in determining whether to approve or
- 27 deny a municipality's request for account funds;
- 28 ▶ removes provisions requiring the office to make recommendations to the Legislature
- 29 regarding a municipality's request for account funds;
- 30 ▶ requires certain councils of governments to annually prepare and submit to the
- 31 office a summer overflow plan and winter overflow plan that establishes plans for
- 32 temporary overflow shelters within the county during a specified period of time;
- 33 ▶ requires the office to review the overflow plan to determine whether the plan is
- 34 sufficient for the provision of services for individuals experiencing homelessness
- 35 during a specified period of time;
- 36 ▶ prohibits certain municipalities from limiting the capacity of certain homeless
- 37 shelters below the capacity allowed under the fire code during a specified period of
- 38 time if the office does not receive a sufficient overflow plan;
- 39 ▶ allows certain homeless shelters to serve a number of homeless individuals to the
- 40 extent allowed under the International Fire Code during a specified period of time if
- 41 the office does not receive a sufficient overflow plan;
- 42 ▶ allows the office to contract with an entity to operate a temporary overflow shelter
- 43 from a state facility during a specified period of time if the office does not receive a
- 44 sufficient overflow plan; and
- 45 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

- 47 This bill appropriates in fiscal year 2023:
- 48 ▶ to Department of Workforce Services - Office of Homeless Services, as a one-time
 - 49 appropriation:
 - 50 • from Federal Funds - American Rescue Plan, \$5,800,000;
 - 51 ▶ to General Fund Restricted - Homeless Shelter Cities Mitigation Restricted
 - 52 Account, as an ongoing appropriation:
 - 53 • from General Fund, \$5,000,000; and
 - 54 ▶ to Department of Workforce Services - Office of Homeless Services, as an ongoing
 - 55 appropriation:
 - 56 • from General Fund Restricted - Homeless Shelter Cities Mitigation Restricted

57 Account, \$5,000,000.

58 **Other Special Clauses:**

59 This bill provides a special effective date.

60 **Utah Code Sections Affected:**

61 AMENDS:

62 **35A-16-102**, as enacted by Laws of Utah 2021, Chapter 281

63 **35A-16-203**, as enacted by Laws of Utah 2021, Chapter 281

64 **35A-16-204**, as enacted by Laws of Utah 2021, Chapter 281

65 **35A-16-205**, as enacted by Laws of Utah 2021, Chapter 281

66 **59-12-205**, as last amended by Laws of Utah 2021, Chapter 281

67 ENACTS:

68 **35A-16-206**, Utah Code Annotated 1953

69 **35A-16-207**, Utah Code Annotated 1953

70 **35A-16-401**, Utah Code Annotated 1953

71 **35A-16-501**, Utah Code Annotated 1953

72 **35A-16-502**, Utah Code Annotated 1953

73 **35A-16-503**, Utah Code Annotated 1953

74 **35A-16-504**, Utah Code Annotated 1953

75 RENUMBERS AND AMENDS:

76 **35A-16-402**, (Renumbered from 35A-16-304, as renumbered and amended by Laws of
77 Utah 2021, Chapter 281)

78 **35A-16-403**, (Renumbered from 35A-16-305, as renumbered and amended by Laws of
79 Utah 2021, Chapter 281)

80 **35A-16-404**, (Renumbered from 35A-16-307, as renumbered and amended by Laws of
81 Utah 2021, Chapter 281)

82 REPEALS:

83 **35A-16-306**, as renumbered and amended by Laws of Utah 2021, Chapter 281

84 **63J-1-801**, as last amended by Laws of Utah 2021, Chapter 281

85 **63J-1-802**, as last amended by Laws of Utah 2021, Chapter 281

86

87 *Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **35A-16-102** is amended to read:

35A-16-102. Definitions.

As used in this chapter:

(1) "Collaborative applicant" means the entity designated by a continuum of care to collect and submit data and apply for funds on behalf of the continuum of care, as required by the United States Department of Housing and Urban Development.

(2) "Continuum of care" means a regional or local planning body designated by the United States Department of Housing and Urban Development to coordinate services for individuals experiencing homelessness within an area of the state.

~~[(1)]~~ (3) "Coordinator" means the state homelessness coordinator appointed under Section [63J-4-202](#).

~~[(2)]~~ (4) "Executive committee" means the executive committee of the homelessness council described in Section [35A-16-204](#).

~~[(3)]~~ (5) "Homeless Management Information System" or "HMIS" means an information technology system that:

(a) is used to collect client-level data and data on the provision of housing and services to homeless individuals and individuals at risk of homelessness in the state; and

(b) meets the requirements of the United States Department of Housing and Urban Development.

~~[(4)]~~ (6) "Homeless services budget" means the comprehensive annual budget and overview of all homeless services available in the state described in Subsection [35A-16-203](#)(1)(b).

~~[(5)]~~ (7) "Homelessness council" means the Utah Homelessness Council created in Section [35A-16-204](#).

(8) "Local homeless council" means a local planning body designated by the steering committee to coordinate services for individuals experiencing homelessness within an area of the state.

~~[(6)]~~ (9) "Office" means the Office of Homeless Services.

(10) "Steering committee" means the Utah Homeless Network Steering Committee created in Section [35A-16-206](#).

~~[(7)]~~ (11) "Strategic plan" means the statewide strategic plan to minimize homelessness

in the state described in Subsection [35A-16-203](#)(1)(c).

Section 2. Section **35A-16-203** is amended to read:

35A-16-203. Powers and duties of the coordinator.

(1) The coordinator shall:

(a) coordinate the provision of homeless services in the state;

(b) in cooperation with the homelessness council, develop and maintain a comprehensive annual budget and overview of all homeless services available in the state, which homeless services budget shall receive final approval by the homelessness council;

(c) in cooperation with the homelessness council, create a statewide strategic plan to minimize homelessness in the state, which strategic plan shall receive final approval by the homelessness council;

(d) in cooperation with the homelessness council, oversee funding provided for the provision of homeless services, which funding shall receive final approval by the homelessness council, including funding from the:

(i) Pamela Atkinson Homeless Account created in Section [35A-16-301](#);

(ii) Homeless to Housing Reform Restricted Account created in Section [35A-16-303](#);

and

(iii) Homeless Shelter Cities Mitigation Restricted Account created in Section [\[35A-16-304\]](#) [35A-16-402](#);

(e) provide administrative support to and serve as a member of the homelessness council;

(f) at the governor's request, report directly to the governor on issues regarding homelessness in the state and the provision of homeless services in the state; and

(g) report directly to the president of the Senate and the speaker of the House of Representatives at least twice each year on issues regarding homelessness in the state and the provision of homeless services in the state.

(2) The coordinator, in cooperation with the homelessness council, shall ensure that the homeless services budget described in Subsection (1)(b) includes an overview and coordination plan for all funding sources for homeless services in the state, including from state agencies, Continuum of Care organizations, housing authorities, local governments, federal sources, and private organizations.

150 (3) The coordinator, in cooperation with the homelessness council, shall ensure that the
151 strategic plan described in Subsection (1)(c):

152 (a) outlines specific goals and measurable benchmarks for minimizing homelessness in
153 the state and for coordinating services for individuals experiencing homelessness among all
154 service providers in the state;

155 (b) identifies best practices and recommends improvements to the provision of services
156 to individuals experiencing homelessness in the state to ensure the services are provided in a
157 safe, cost-effective, and efficient manner;

158 (c) identifies best practices and recommends improvements in coordinating the
159 delivery of services to the variety of populations experiencing homelessness in the state,
160 including through the use of electronic databases and improved data sharing among all service
161 providers in the state; and

162 (d) identifies gaps and recommends solutions in the delivery of services to the variety
163 of populations experiencing homelessness in the state.

164 (4) In overseeing funding for the provision of homeless services as described in
165 Subsection (1)(d), the coordinator:

166 (a) shall prioritize the funding of programs and providers that have a documented
167 history of successfully reducing the number of individuals experiencing homelessness,
168 reducing the time individuals spend experiencing homelessness, moving individuals
169 experiencing homelessness to permanent housing, or reducing the number of individuals who
170 return to experiencing homelessness; and

171 (b) except for a program or provider providing services to victims of domestic
172 violence, may not approve funding to a program or provider that does not enter into a written
173 agreement with the office to collect and share HMIS data regarding the provision of services to
174 individuals experiencing homelessness so that the provision of services can be coordinated
175 among state agencies, local governments, and private organizations.

176 (5) In cooperation with the homelessness council, the coordinator shall update the
177 annual statewide budget and the strategic plan described in this section on an annual basis.

178 (6) (a) On or before October 1, the coordinator shall provide a written report to the
179 department for inclusion in the department's annual written report described in Section

180 [35A-1-109](#).

181 (b) The written report shall include:
182 (i) the homeless services budget;
183 (ii) the strategic plan; and
184 (iii) recommendations regarding improvements to coordinating and providing services
185 to individuals experiencing homelessness in the state.

186 Section 3. Section **35A-16-204** is amended to read:

187 **35A-16-204. Utah Homelessness Council.**

188 (1) There is created within the office the Utah Homelessness Council.

189 (2) The homelessness council shall consist of the following members:

- 190 (a) a representative of the public sector with expertise in homelessness issues,
191 appointed by the Legislature;
- 192 (b) a representative of the private sector, appointed by the Utah Impact Partnership or
193 the partnership's successor organization;
- 194 (c) a representative of the private sector with expertise in homelessness issues,
195 appointed by the governor;
- 196 (d) a statewide philanthropic leader, appointed by the governor;
- 197 (e) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the
198 partnership's successor organization;
- 199 (f) the mayor of Salt Lake County;
- 200 (g) the mayor of Salt Lake City;
- 201 (h) the mayor of Midvale;
- 202 (i) the mayor of South Salt Lake;
- 203 (j) the mayor of Ogden;
- 204 (k) the mayor of St. George;
- 205 (l) the executive director of the Department of Health and Human Services, or the
206 executive director's designee;
- 207 (m) the ~~[executive director of the Department of Health, or the executive director's]~~
208 commissioner of public safety, or the commissioner's designee;
- 209 (n) the executive director of the Department of Corrections, or the executive director's
210 designee;
- 211 (o) the executive director of the Department of Workforce Services, or the executive

director's designee;

(p) the executive director of the Governor's Office of Planning and Budget, or the executive director's designee;

(q) a member of the Senate, appointed by the president of the Senate;

(r) a member of the House of Representatives, appointed by the speaker of the House of Representatives;

(s) the state superintendent of public instruction or the superintendent's designee;

(t) a faith-based leader in the state, appointed by the governor;

(u) five local representatives~~[, including at least two private providers of services for people experiencing homelessness,]~~ appointed by the ~~[Utah Homeless Network]~~ steering committee, of which at least two are private providers of services for people experiencing homelessness;

(v) one individual who has experienced homelessness, appointed by the governor; and

(w) the coordinator.

(3) The member appointed under Subsection (2)(a) and the member appointed under Subsection (2)(b) shall serve as the cochair of the homelessness council.

(4) The following ~~[eight]~~ nine members of the homelessness council shall serve as the executive committee of the homelessness council:

(a) the cochair of the homelessness council as described in Subsection (3);

(b) the private sector representative appointed under Subsection (2)(c);

(c) the statewide philanthropic leader appointed under Subsection (2)(d);

(d) the statewide philanthropic leader appointed under Subsection (2)(e);

(e) the mayor of Salt Lake County;

(f) a mayor chosen among the member mayors described in Subsections (2)(g) through (2)(k), appointed by the member mayors; ~~[and]~~

(g) a local representative chosen among the local representatives described in Subsection (2)(u), appointed by the cochair of the homelessness council; and

~~[(g)]~~ (h) the coordinator.

(5) The cochair and the executive committee may call homelessness council meetings and set agendas for ~~[committee]~~ meetings.

(6) The homelessness council shall meet at least four times per year.

(7) A majority of members of the homelessness council constitutes a quorum of the homelessness council at any meeting, and the action of the majority of members present constitutes the action of the homelessness council.

(8) A majority of members of the executive committee constitutes a quorum of the executive committee at any meeting, and the action of the majority of members present constitutes the action of the executive committee.

(9) (a) Except as required by Subsection (9)(b), appointed members of the homelessness council shall serve a term of four years.

(b) Notwithstanding the requirements of Subsection (9)(a), the appointing authority, at the time of appointment or reappointment, may adjust the length of terms to ensure that the terms of homelessness council members are staggered so that approximately half of appointed homelessness council members are appointed every two years.

(10) When a vacancy occurs in the appointed membership for any reason, the replacement is appointed for the unexpired term.

(11) (a) Except as described in Subsection (11)(b), a member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a commission member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(12) The office and the department shall provide administrative support to the homelessness council.

Section 4. Section 35A-16-205 is amended to read:

35A-16-205. Duties of the homelessness council.

The homelessness council:

(1) shall provide final approval for:

(a) the homeless services budget;

(b) the strategic plan; and

(c) the awarding of funding for the provision of homeless services as described in Subsection 35A-16-203(1)(d);

(2) in cooperation with the coordinator, shall:

(a) develop and maintain the homeless services budget;

(b) develop and maintain the strategic plan; and

(c) review applications and approve funding for the provision of homeless services in the state as described in Subsection 35A-16-203(1)(d);

(3) shall review local and regional plans for providing services to individuals experiencing homelessness;

(4) shall cooperate with local homeless councils [~~as designated by the Utah Homeless Network~~] to:

(a) develop a common agenda and vision for reducing homelessness in each local oversight body's respective region;

(b) as part of the homeless services budget, develop a spending plan that coordinates the funding supplied to local stakeholders; and

(c) align local funding to projects that improve outcomes and target specific needs in each community;

(5) shall coordinate gap funding with private entities for providing services to individuals experiencing homelessness;

(6) shall recommend performance and accountability measures for service providers, including the support of collecting consistent and transparent data; and

(7) when reviewing and giving final approval for requests as described in Subsection 35A-16-203(1)(d):

(a) may only recommend funding if the proposed recipient has a policy to share client-level service information with other entities in accordance with state and federal law to enhance the coordination of services for individuals who are experiencing homelessness; and

(b) shall identify specific targets and benchmarks that align with the strategic plan for each recommended award.

Section 5. Section 35A-16-206 is enacted to read:

35A-16-206. Utah Homeless Network Steering Committee.

305 (1) There is created within the office the Utah Homeless Network Steering Committee.
306 (2) The steering committee shall consist of the following members:
307 (a) the chair of each local homeless council or the chair's designee;
308 (b) one individual who has experienced homelessness, appointed by the cochair of the
309 steering committee;
310 (c) one representative of the collaborative applicant for the Balance of State continuum
311 of care, appointed by the collaborative applicant;
312 (d) one representative of the collaborative applicant for the Mountainland continuum of
313 care, appointed by the collaborative applicant;
314 (e) one representative of the collaborative applicant for the Salt Lake County
315 continuum of care, appointed by the collaborative applicant;
316 (f) one representative of the office's program staff, appointed by the coordinator; and
317 (g) one representative of the office's data staff, appointed by the coordinator.
318 (3) The steering committee shall select two members from among the members
319 described in Subsection (2)(a) to serve as cochair, of which:
320 (a) one cochair shall be chosen among the members representing:
321 (i) the Mountainland local homeless council;
322 (ii) the Salt Lake County local homeless council;
323 (iii) the Davis local homeless council; and
324 (iv) the Weber-Morgan local homeless council; and
325 (b) one cochair shall be chosen among the members representing all other local
326 homeless councils that are not listed in Subsection (3)(a).
327 (4) The cochair is responsible for the call and conduct of meetings.
328 (5) (a) A majority of the members of the steering committee constitutes a quorum.
329 (b) The action of a majority of a quorum constitutes the action of the steering
330 committee.
331 (6) A member may not receive compensation or benefits for the member's service, but
332 may receive per diem and travel expenses in accordance with:
333 (a) Section [63A-3-106](#);
334 (b) Section [63A-3-107](#); and
335 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

[63A-3-107.](#)

(7) The office and the department shall provide administrative support to the steering committee.

Section 6. Section **35A-16-207** is enacted to read:

35A-16-207. Duties of the steering committee.

The steering committee shall:

(1) support connections across continuums of care, local homeless councils, and state and local governments;

(2) coordinate statewide emergency and crisis response in relation to services for individuals experiencing homelessness;

(3) provide training to providers of services for individuals experiencing homelessness, stakeholders, and policymakers;

(4) educate the general public and other interested persons regarding the needs, challenges, and opportunities for individuals experiencing homelessness; and

(5) make recommendations to the homelessness council regarding the awarding of funding for the provision of homeless services as described in Subsection [35A-16-203\(1\)\(d\).](#)

Section 7. Section **35A-16-401** is enacted to read:

Part 4. Homeless Shelter Cities Mitigation Restricted Account

35A-16-401. Definitions.

As used in this part:

(1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in Section [35A-16-402.](#)

(2) "Eligible municipality" means:

(a) a first-tier eligible municipality;

(b) a second-tier eligible municipality; or

(c) a third-tier eligible municipality.

(3) "Eligible services" means public safety services or any other services that mitigate the impacts of the location of an eligible shelter, as further defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) "Eligible shelter" means:

(a) for a first-tier eligible municipality, a homeless shelter that:

(i) has the capacity to provide temporary shelter to at least 80 individuals per night, as verified by the office;

(ii) operates year-round; and

(iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation;

(b) for a second-tier municipality, a homeless shelter that:

(i) has the capacity to provide temporary shelter to at least 25 individuals per night, as verified by the office;

(ii) operates year-round; and

(iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation; and

(c) for a third-tier eligible municipality, a homeless shelter that:

(i) has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the office; and

(ii) operates for no less than three months during the period beginning October 1 and ending April 30 of the following year.

(5) "First-tier eligible municipality" means a municipality that:

(a) is located within a county of the first or second class;

(b) has or is proposed to have an eligible shelter within the municipality's geographic boundaries;

(c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and

(d) is certified as a first-tier eligible municipality in accordance with Section [35A-16-404](#).

(6) "Homeless shelter" means a facility that provides or is proposed to provide temporary shelter to individuals experiencing homelessness.

(7) "Municipality" means a city, town, or metro township.

(8) "Public safety services" means law enforcement, emergency medical services, or fire protection.

(9) "Second-tier eligible municipality" means a municipality that:

(a) is located within a county of the third, fourth, fifth, or sixth class;

(b) has or is proposed to have an eligible shelter within the municipality's geographic boundaries;

(c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and

(d) is certified as a second-tier eligible municipality in accordance with Section 35A-16-404.

(10) "Third-tier eligible municipality" means a municipality that:

(a) is located within any county;

(b) has or is proposed to have an eligible shelter within the municipality's geographic boundaries; and

(c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services.

Section 8. Section **35A-16-402**, which is renumbered from Section 35A-16-304 is renumbered and amended to read:

~~[35A-16-304].~~ **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula for disbursing account funds to eligible municipalities.**

~~[(1) As used in this section:]~~

~~[(a) "Annual local contribution" means:]~~

~~[(i) for a participating local government, the lesser of \$200,000 or an amount equal to 1.8% of the participating local government's tax revenue distribution amount under Subsection 59-12-205(2)(a) for the previous fiscal year; or]~~

~~[(ii) for an eligible municipality or a grant eligible entity that is certified in accordance with Section 35A-8-609, \$0.]~~

~~[(b) "Eligible municipality" means the same as that term is defined in Section 35A-16-305.]~~

~~[(c) "Grant eligible entity" means the same as that term is defined in Section 35A-16-306.]~~

~~[(d) "Participating local government" means a county or municipality, as defined in Section 10-1-104, that is not an eligible municipality or grant eligible entity as certified by the department in accordance with Section 35A-16-307.]~~

~~[(2)]~~ (1) There is created a restricted account within the General Fund known as the

Homeless Shelter Cities Mitigation Restricted Account.

~~[(3)]~~ (2) The account shall be funded by:

(a) local sales and use tax revenue deposited into the account in accordance with Section 59-12-205; and

(b) interest earned on the account.

~~[(4)-(a)]~~ (3) The office shall administer the account.

~~[(b) Subject to appropriation, the office shall disburse funds from the account to:]~~

~~[(i) eligible municipalities in accordance with Sections 35A-16-305 and 63J-1-802; and]~~

~~[(ii) grant eligible entities in accordance with Sections 35A-16-306 and 63J-1-802.]~~

(4) (a) Subject to the availability of funds, the office shall annually disburse funds from the account as follows:

(i) 92.5% shall be disbursed to first-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:

(A) 70% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality, as verified by the office;

(B) 20% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality as compared to the total population of the municipality, as verified by the office; and

(C) 10% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total capacity of all eligible shelters within each municipality, as verified by the office;

(ii) 2.5% shall be disbursed to second-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:

(A) 70% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality, as verified by the office;

(B) 20% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality as compared to the total population of the municipality, as verified by the office; and

(C) 10% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total capacity of all eligible shelters within each municipality, as verified by the office; and

(iii) 5% shall be disbursed to third-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, in accordance with a formula established by the office and approved by the homelessness council.

(b) In disbursing funds to first-tier municipalities under Subsection (4)(a)(i), the maximum amount of funds that the office may disburse each year to a single first-tier municipality may not exceed the greater of:

(i) \$2,750,000; or

(ii) 25% of the total amount of funds disbursed under Subsection (4)(a)(i).

(c) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the maximum amount of funds that the office may disburse each year to a single second-tier municipality may not exceed 50% of the total amount of funds disbursed under Subsection (4)(a)(ii).

(d) The office may disburse funds to a third-tier municipality under Subsection (4)(a)(iii) regardless of whether the municipality receives funds under Subsection (4)(a)(i) as a first-tier municipality or funds under Subsection (4)(a)(ii) as a second-tier municipality.

Section 9. Section **35A-16-403**, which is renumbered from Section 35A-16-305 is renumbered and amended to read:

~~[35A-16-305].~~ 35A-16-403. Eligible municipality application process for Homeless Shelter Cities Mitigation Restricted Account funds.

~~[(1) As used in this section:]~~

~~[(a) "Account" means the restricted account created in Section 35A-16-304.]~~

~~[(b) "Eligible municipality" means a city of the third, fourth, or fifth class, a town, or a metro township that:]~~

~~[(i) has, or is proposed to have, a homeless shelter within the city's, town's, or metro~~

township's geographic boundaries;]

~~[(ii) due to the location of a homeless shelter within the city's, town's, or metro township's geographic boundaries, needs more public safety services than the city, town, or metro township needed before the location of the homeless shelter within the city's, town's, or metro township's geographic boundaries; and]~~

~~[(iii) is certified as an eligible municipality in accordance with Section 35A-16-307;]~~

~~[(c) "Homeless shelter" means a facility that:]~~

~~[(i) provides or is proposed to provide temporary shelter to homeless individuals;]~~

~~[(ii) has or is proposed to have the capacity to provide temporary shelter to at least 200 individuals per night; and]~~

~~[(iii) operates year-round and is not subject to restrictions that limit the hours, days, weeks, or months of operation:]~~

~~[(d) "Public safety services" means law enforcement, emergency medical services, and fire protection:]~~

~~[(2) (a) An eligible municipality may request account funds to employ and equip additional personnel to provide public safety services in and around a homeless shelter within the eligible municipality's geographic boundaries.]~~

~~[(b) (i) An eligible municipality that builds or has proposed to build a homeless shelter on or after July 1, 2018, shall be eligible to receive at least 40% of the account funds, if the eligible municipality meets the requirements of this section.]~~

~~[(ii) An eligible municipality that built a homeless shelter on or before June 30, 2018, shall be eligible to receive at least 20% of the account funds, if the eligible municipality meets the requirements of this section.]~~

(1) Subject to the availability of funds, an eligible municipality may apply for account funds to mitigate the impacts of the location of an eligible shelter through the provision of eligible services within the eligible municipality's boundaries.

~~[(3)]~~ (2) (a) This Subsection ~~[(3)]~~ (2) applies to a fiscal year beginning on or after July 1, ~~[2019]~~ 2022.

(b) (i) The homelessness council shall set aside time on the agenda of a homelessness council meeting that occurs on or after July 1 and on or before November 30 to allow an eligible municipality to present a request for account funds for the next fiscal year.

(ii) An eligible municipality may present a request for account funds by:

(A) sending an electronic copy of the request to the homelessness council before the meeting; and

(B) appearing at the meeting to present the request.

(c) The request described in Subsection ~~[(3)(b)]~~ (2)(b)(ii) shall contain:

~~[(i) data relating to the eligible municipality's public safety services for the last fiscal year before a homeless shelter was located or proposed to be located within the eligible municipality's boundaries, including:]~~

~~[(A) crime statistics; and]~~

~~[(B) calls for public safety services;]~~

~~[(ii) data showing the eligible municipality's need for public safety services in the next fiscal year;]~~

~~[(iii) a summary of the eligible municipality's proposed use of account funds; and]~~

~~[(iv) a copy of the eligible municipality's budget, which includes a request in a specific amount for additional personnel to provide public safety services.]~~

(i) a proposal outlining the need for eligible services, including a description of each eligible service for which the eligible municipality requests account funds;

(ii) a description of the eligible municipality's proposed use of account funds;

(iii) a description of the outcomes that the funding would be used to achieve, including indicators that would be used to measure progress toward the specified outcomes; and

(iv) the amount of account funds requested.

(d) (i) On or before November 30, an eligible municipality that received account funds during the previous fiscal year shall file electronically with the homelessness council a report that includes:

(A) a summary of the amount of account funds that the eligible municipality expended and the eligible municipality's specific use of those funds;

(B) an evaluation of the eligible municipality's effectiveness in using the account funds to address the eligible municipality's ~~[public safety]~~ needs due to the location of an eligible shelter; [and]

(C) an evaluation of the eligible municipality's progress regarding the outcomes and indicators described in Subsection (2)(c)(iii); and

553 [(C)] (D) any proposals for improving the eligible municipality's effectiveness in using
554 account funds that the eligible municipality may receive in future fiscal years.

555 (ii) The homelessness council may request additional information as needed to make
556 the evaluation described in Subsection [(3)] (2)(e).

557 (e) The homelessness council shall evaluate a request made in accordance with this
558 Subsection [(3)] (2) using the following factors:

559 (i) the strength ~~[and reliability of the data]~~ of the proposal that the eligible municipality
560 provided to support the request;

561 (ii) if the eligible municipality received account funds during the previous fiscal year,
562 the efficiency with which the eligible municipality used any account funds during the previous
563 fiscal year;

564 (iii) the availability of funding for the eligible municipality as provided in Subsection
565 35A-16-402(4);

566 [(iii)] (iv) the availability of alternative funding for the eligible municipality to address
567 the eligible municipality's [need for public safety services] needs due to the location of an
568 eligible shelter; [and]

569 (v) whether the eligible municipality enacts and enforces an ordinance that prohibits
570 camping; and

571 [(iv)] (vi) any other considerations identified by the homelessness council.

572 (f) (i) After making the evaluation described in Subsection [(3)(e)] ~~and subject to other~~
573 ~~provisions of this Subsection (3)(f)]~~ (2)(e), the homelessness council shall vote to ~~[recommend~~
574 ~~that]~~ either approve or deny an eligible municipality's request [be:] for account funds.

575 ~~[(A) funded as requested; or]~~

576 ~~[(B) funded at a reduced level, as determined by the homelessness council.]~~

577 (ii) The homelessness council shall support the ~~[recommendation described in~~
578 ~~Subsection (3)(f)(i)]~~ homelessness council's decision under Subsection (2)(f)(i) with findings
579 on each of the factors described in Subsection [(3)] (2)(e).

580 ~~[(g) The committee shall submit the recommendation described in Subsection (3)(f)~~
581 ~~to:]~~

582 ~~[(i) the governor for inclusion in the governor's budget to be submitted to the~~
583 ~~Legislature; and]~~

584 ~~[(ii) the Social Services Appropriations Subcommittee of the Legislature for approval~~
585 ~~in accordance with Section 63J-1-802.]~~

586 ~~[(h) (i) An eligible municipality that is approved to receive account funds under~~
587 ~~Section 63J-1-802 shall submit an invoice of the eligible municipality's expenses, with~~
588 ~~supporting documentation, to the office monthly for reimbursement.]~~

589 ~~[(ii) Each month, the office shall disburse the revenue in the account to reimburse an~~
590 ~~eligible municipality that submits the information described in Subsection (3)(h)(i) for the~~
591 ~~amount on the invoice or contract.]~~

592 (g) (i) If the homelessness council approves an eligible municipality's request to
593 receive account funds under Subsection (2)(f), the office, subject to the availability of funds,
594 shall calculate the amount of funds for disbursement to the eligible municipality under
595 Subsection 35A-16-402(4).

596 (ii) An eligible municipality that is approved to receive account funds may submit an
597 invoice of the eligible municipality's expenses, with supporting documentation, to the office
598 monthly for reimbursement.

599 ~~[(4)]~~ (3) On or before October 1, the coordinator, in cooperation with the homelessness
600 council, shall:

601 (a) submit an annual written report electronically to the Social Services Appropriations
602 Subcommittee of the Legislature that gives a complete accounting of the office's disbursement
603 of the money from the account under this section for the previous fiscal year; and

604 (b) include information regarding the disbursement of money from the account under
605 this section in the annual report described in Section 35A-1-109.

606 (4) In accordance with Title 63G, Chapter 3, Administrative Rulemaking Act, the
607 office shall make rules governing the process for calculating the amount of funds that an
608 eligible municipality may receive under Subsection 35A-16-402(4).

609 Section 10. Section 35A-16-404, which is renumbered from Section 35A-16-307 is
610 renumbered and amended to read:

611 ~~[35A-16-307].~~ **35A-16-404. Certification of eligible municipality.**

612 (1) The office shall certify each year, on or after July 1 and before the first meeting of
613 the homelessness council after July 1, the ~~[cities or towns]~~ municipalities that meet the
614 requirements of ~~[an]~~ a first-tier eligible municipality or a second-tier eligible municipality ~~[or a~~

grant eligible entity] as of July 1.

(2) On or before October 1, the office shall provide a list of the [~~cities, towns, or metro townships~~] municipalities that the office has certified as meeting the requirements of ~~[an]~~ a first-tier eligible municipality or a second-tier eligible municipality ~~[or a grant eligible entity]~~ for the year to the State Tax Commission.

Section 11. Section **35A-16-501** is enacted to read:

Part 5. Overflow Plan Requirements

35A-16-501. Definitions.

As used in this part:

(1) "Applicable county" means a county of the first class.

(2) "Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide overnight shelter to.

(3) "Council of governments" means the same as that term is defined in Section [72-2-117.5](#).

(4) (a) "Homeless shelter" means a facility that:

(i) is located within an applicable county;

(ii) provides temporary shelter to individuals experiencing homelessness;

(iii) has the capacity to provide temporary shelter to at least 200 individuals per night;

(iv) operates year-round; and

(v) is not subject to restrictions that limit the hours, days, weeks, or months of operation.

(b) "Homeless shelter" does not include a facility that is reserved exclusively for use by families.

(5) "Municipality" means a city, town, or metro township.

(6) "Overflow period" means a summer overflow period or winter overflow period.

(7) "Overflow plan" means a summer overflow plan or winter overflow plan.

(8) "State facility" means the same as that term is defined in Section [63A-5b-1001](#).

(9) "Subsequent summer overflow period" means the summer overflow period that begins in the same calendar year in which the office sends a notice of noncompliance under Subsection [35A-16-503\(5\)](#).

(10) "Subsequent winter overflow period" means the winter overflow period that

begins in the same calendar year in which the office sends a notice of noncompliance under Subsection [35A-16-502\(5\)](#).

(11) "Summer overflow period" means:

(a) for calendar year 2022, the period beginning August 1 and ending September 30; or

(b) for a calendar year after 2022, the period beginning May 1 and ending September

30.

(12) "Summer overflow plan" means the plan described in Section [35A-16-503](#).

(13) "Temporary overflow shelter" means a facility that:

(a) provides temporary emergency shelter to homeless individuals during an overflow period; and

(b) does not operate year-round.

(14) "Winter overflow period" means the period beginning October 1 and ending April 30 of the following year.

(15) "Winter overflow plan" means the plan described in Section [35A-16-502](#).

Section 12. Section **35A-16-502** is enacted to read:

[35A-16-502. Winter overflow plan required -- Contents -- Review - Consequences after determination of noncompliance.](#)

(1) On or before September 1 of each year, a council of governments of a county of the first class shall prepare and submit to the office a winter overflow plan in coordination with the local homeless council with jurisdiction over the applicable county.

(2) The winter overflow plan shall:

(a) establish plans for the operation of one or more temporary overflow shelters within the applicable county during the subsequent winter overflow period;

(b) ensure that each temporary overflow shelter described in Subsection (2)(a) will meet all local zoning requirements before beginning operations;

(c) provide assurances that individuals experiencing homelessness in the applicable county will have sufficient access to shelter during the subsequent winter overflow period; and

(d) be approved by:

(i) the entities described in Subsection (1); and

(ii) the chief executive officer of each municipality located within the applicable county in which a temporary overflow shelter is planned to be located under the winter

677 overflow plan.

678 (3) Within 10 days after the day on which the office receives a winter overflow plan
679 under this section, the office shall, in accordance with Subsection (4), complete a review of the
680 winter overflow plan to determine if the winter overflow plan complies with this section.

681 (4) The office shall make a determination of noncompliance if:

682 (a) after completing a review of a winter overflow plan, the office determines that the
683 winter overflow plan does not meet the requirements of Subsection (2); or

684 (b) a council of governments of a county of the first class fails to submit a winter
685 overflow plan under this section.

686 (5) No later than five days after the day on which the office makes a determination of
687 noncompliance under Subsection (4), the office shall send a notice of noncompliance to:

688 (a) the entities described in Subsection (1); and

689 (b) the legislative body of each municipality located within the applicable county.

690 (6) If the office makes a determination of noncompliance under Subsection (4) and
691 sends a notice of noncompliance in accordance with Subsection (5), the following provisions
692 apply during the subsequent winter overflow period:

693 (a) a homeless shelter located within the applicable county may provide overnight
694 shelter for up to 50% of the capacity limit allowed under the International Fire Code; and

695 (b) the office may contract with a for-profit or nonprofit entity to operate a temporary
696 overflow shelter from a state facility located within the applicable county:

697 (i) in coordination with the Division of Facilities Construction and Management; and

698 (ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code.

699 Section 13. Section **35A-16-503** is enacted to read:

700 **35A-16-503. Summer overflow plan required -- Contents -- Review --**
701 **Consequences after determination of noncompliance.**

702 (1) A council of governments of a county of the first class shall annually prepare and
703 submit to the office a summer overflow plan in coordination with the local homeless council
704 with jurisdiction over the applicable county:

705 (a) on or before July 1, 2022, for calendar year 2022; or

706 (b) on or before April 1, for each calendar year after 2022.

707 (2) The summer overflow plan shall:

(a) establish plans for the operation of one or more temporary overflow shelters within the applicable county during the subsequent summer overflow period;

(b) ensure that each temporary overflow shelter described in Subsection (2)(a) will meet all local zoning requirements before beginning operations;

(c) provide assurances that individuals experiencing homelessness in the applicable county will have sufficient access to shelter during the subsequent summer overflow period; and

(d) be approved by:

(i) the entities described in Subsection (1); and

(ii) the chief executive officer of each municipality located within the applicable county in which a temporary overflow shelter is planned to be located under the summer overflow plan.

(3) Within 10 days after the day on which the office receives a summer overflow plan under this section, the office shall, in accordance with Subsection (4), complete a review of the summer overflow plan to determine if the winter overflow plan complies with this section.

(4) The office shall make a determination of noncompliance if:

(a) after completing a review of a summer overflow plan, the office determines that the summer overflow plan does not meet the requirements of Subsection (2); or

(b) a council of governments of a county of the first class fails to submit a summer overflow plan under this section.

(5) No later than five days after the day on which the office makes a determination of noncompliance under Subsection (4), the office shall send a notice of noncompliance to:

(a) the entities described in Subsection (1); and

(b) the legislative body of each municipality located within the applicable county.

(6) If the office makes a determination of noncompliance under Subsection (4) and sends a notice of noncompliance in accordance with Subsection (5), the following provisions apply during the subsequent summer overflow period:

(a) a homeless shelter located within the applicable county may provide overnight shelter for up to 50% of the capacity limit allowed under the International Fire Code; and

(b) the office may contract with a for-profit or nonprofit entity to operate a temporary overflow shelter from a state facility located within the applicable county;

- (i) in coordination with the Division of Facilities Construction and Management; and
(ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code.

Section 14. Section **35A-16-504** is enacted to read:

35A-16-504. Rules.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules governing:

- (1) the process of submitting an overflow plan under this part;
(2) the process for determining whether an overflow plan complies with this part;
(3) the process of sending a notice of noncompliance under this part; and
(4) the process for contracting with a for-profit or nonprofit entity to operate a temporary overflow shelter from a state facility under this part.

Section 15. Section **59-12-205** is amended to read:

59-12-205. Ordinances to conform with statutory amendments -- Distribution of tax revenue -- Determination of population.

(1) To maintain in effect sales and use tax ordinances adopted pursuant to Section **59-12-204**, a county, city, or town shall adopt amendments to the county's, city's, or town's sales and use tax ordinances:

(a) within 30 days of the day on which the state makes an amendment to an applicable provision of Part 1, Tax Collection; and

(b) as required to conform to the amendments to Part 1, Tax Collection.

(2) Except as provided in Subsections (3) through (5) and subject to Subsection (6):

(a) 50% of each dollar collected from the sales and use tax authorized by this part shall be distributed to each county, city, and town on the basis of the percentage that the population of the county, city, or town bears to the total population of all counties, cities, and towns in the state; and

(b) (i) except as provided in Subsections (2)(b)(ii) and (iii), 50% of each dollar collected from the sales and use tax authorized by this part shall be distributed to each county, city, and town on the basis of the location of the transaction as determined under Sections **59-12-211** through **59-12-215**;

(ii) 50% of each dollar collected from the sales and use tax authorized by this part within a project area described in a project area plan adopted by the military installation

development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, shall be distributed to the military installation development authority created in Section 63H-1-201; and

(iii) 50% of each dollar collected from the sales and use tax authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section 11-58-201.

(3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

(i) the county, city, or town is a:

(A) county of the third, fourth, fifth, or sixth class;

(B) city of the fifth class; or

(C) town;

(ii) the county, city, or town received a distribution under this section for the calendar year beginning on January 1, 2008, that was less than the distribution under this section that the county, city, or town received for the calendar year beginning on January 1, 2007;

(iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located within the unincorporated area of the county for one or more days during the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget; or

(B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection (3)(a)(i)(C), the city or town had located within the city or town for one or more days during the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget; and

(iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for one or more days during the calendar year beginning on January 1, 2008, was not the holder of a direct payment permit under Section 59-12-107.1; or

(B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a city or town for one or more days during the calendar year beginning on January 1, 2008, was not the holder of a direct payment permit under Section 59-12-107.1.

(b) The commission shall make the distribution required by this Subsection (3) to a county, city, or town described in Subsection (3)(a):

(i) from the distribution required by Subsection (2)(a); and

(ii) before making any other distribution required by this section.

(c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

(ii) For purposes of Subsection (3)(c)(i):

(A) the numerator of the fraction is the difference calculated by subtracting the distribution a county, city, or town described in Subsection (3)(a) received under this section for the calendar year beginning on January 1, 2008, from the distribution under this section that the county, city, or town received for the calendar year beginning on January 1, 2007; and

(B) the denominator of the fraction is \$333,583.

(d) A distribution required by this Subsection (3) is in addition to any other distribution required by this section.

(4) (a) As used in this Subsection (4):

(i) "Eligible county, city, or town" means a county, city, or town that:

(A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b) equal to the amount described in Subsection (4)(b)(ii); and

(B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1, 2016.

(ii) "Minimum tax revenue distribution" means the total amount of tax revenue distributions an eligible county, city, or town received from a tax imposed in accordance with this part for fiscal year 2004-05.

(b) An eligible county, city, or town shall receive a tax revenue distribution for a tax imposed in accordance with this part equal to the greater of:

(i) the payment required by Subsection (2); or

(ii) the minimum tax revenue distribution.

(5) (a) For purposes of this Subsection (5):

(i) "Annual local contribution" means the lesser of \$200,000 or an amount equal to 1.8% of the participating local government's tax revenue distribution amount under Subsection (2)(a) for the previous fiscal year.

(ii) "Participating local government" means a county or municipality, as defined in Section [10-1-104](#), that is not an eligible municipality [~~or grant eligible entity~~] certified in accordance with Section [~~35A-16-307~~] [35A-16-404](#).

(b) For revenue collected from the tax authorized by this part that is distributed on or after January 1, 2019, the commission, before making a tax revenue distribution under Subsection (2)(a) to a participating local government, shall:

(i) subtract one-twelfth of the annual local contribution for each participating local government from the participating local government's tax revenue distribution under Subsection (2)(a); and

(ii) deposit the amount described in Subsection (5)(b)(i) into the Homeless Shelter Cities Mitigation Restricted Account created in Section [~~35A-16-304~~] [35A-16-402](#).

(c) For a participating local government that qualifies to receive a distribution described in Subsection (3) or (4), the commission shall apply the provisions of this Subsection (5) after the commission applies the provisions of Subsections (3) and (4).

(6) (a) Population figures for purposes of this section shall be based on the most recent official census or census estimate of the United States Bureau of the Census.

(b) If a needed population estimate is not available from the United States Bureau of the Census, population figures shall be derived from the estimate from the Utah Population Committee.

(c) The population of a county for purposes of this section shall be determined only from the unincorporated area of the county.

Section 16. **Repealer.**

This bill repeals:

Section [35A-16-306](#), **Grant eligible entity application process for Homeless Shelter Cities Mitigation Restricted Account funds.**

Section [63J-1-801](#), **Definitions.**

Section [63J-1-802](#), **Submission of council recommendations -- Adoption,**

procedure, and approval -- Appropriation.**Section 17. Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Department of Workforce Services -- Office of Homeless Services

From Federal Funds -- American Rescue Plan, One-time \$5,800,000

Schedule of Programs:

Homeless Services \$5,800,000

The Legislature intends that:

(1) the Office of Homeless Services use appropriations under this item to provide loan repayment assistance to homeless shelters; and

(2) under Utah Code Section [63J-1-603](#), appropriations under this item not lapse at the close of fiscal year 2023.

ITEM 2

To General Fund Restricted -- Homeless Shelter Cities Mitigation Restricted Account

From General Fund \$5,000,000

Schedule of Programs:

General Fund Restricted -- Homeless Shelter Cities Mitigation

Restricted Account \$5,000,000

ITEM 3

To Department of Workforce Services -- Office of Homeless Services

From General Fund Restricted -- Homeless Shelter Cities Mitigation

Restricted Account \$5,000,000

Schedule of Programs:

Homeless Services \$5,000,000

The Legislature intends that the Office of Homeless Services use appropriations under this item for disbursing account funds to eligible municipalities in accordance with Section

894 [35A-16-402.](#)

895 Section 18. **Effective date.**

896 (1) Except as provided in Subsection (2), this bill takes effect on May 4, 2022.

897 (2) (a) The actions affecting the following sections take effect on July 1, 2022:

898 (i) Section [35A-16-203](#);

899 (ii) Section [35A-16-306](#);

900 (iii) Section [35A-16-401](#);

901 (iv) Section [35A-16-402](#);

902 (v) Section [35A-16-403](#);

903 (vi) Section [35A-16-404](#);

904 (vii) Section [63J-1-801](#); and

905 (viii) Section [63J-1-802](#).

906 (b) The actions affecting Section [59-12-205](#) take effect for a taxable year beginning on
907 or after January 1, 2023.